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PATENT APPLICATION
Docket: 14531.5.1.5

7-29-02



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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Joe F. Britt, Jr., et al.

Serial No.: 09/851,402

Filed: May 8, 2001

Confirmation No.: 1907

For: DOWNLOADING SOFTWARE FROM A
SERVER TO A CLIENT

Examiner: Steven Paul Sax

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TERMINAL DISCLAIMER

Assistant Commissioner for Patents
Washington, D. C. 20231

Sir:

Declarant, Rick D. Nydegger, represents that he is the Attorney of Record for WEBTV NETWORKS, INC., a corporation of the State of California, having a principal place of business at 1065 La Avenida Avenue, Mountain View, California 94043, and that he is authorized to make this Declaration and execute this Terminal Disclaimer on behalf of WEBTV NETWORKS, INC. Declarant further represents that WEBTV NETWORKS, INC., is the assignee of the entire interest, as shown by the Assignment recorded at reel 011979, frames 0472 through 0475 (a copy of which is attached hereto as Exhibit A) in the records of the U.S. Patent and Trademark Office, of the above-identified application, and also of the parent application, now U.S. Patent No. 6,259,442, issued July 10, 2001, as shown by the Assignment recorded at reel 011979, frames

0472, et seq., (a copy of which is attached hereto as Exhibit B) in the records of the U.S. Patent and Trademark Office. Declarant hereby further certifies that the evidentiary documents at Exhibits A and B have been reviewed by him, and to the best of the Declarant's knowledge and belief, title is in the Assignee seeking to take action.

The Assignee hereby disclaims the terminal part of any patent granted on the above-identified application, which would extend beyond the expiration date of the full statutory term of said U.S. Patent No. 6,259,442, and hereby agrees that any patent so granted on the above-identified application shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to said U.S. Patent No. 6,259,442, this agreement to run with any patent granted on the above-identified application and to be binding upon the grantee, its successors or assigns.

The Assignee does not disclaim any terminal part of any patent granted on the above-identified application that would extend beyond the term of said U.S. Patent No. 6,259,442, in the event that said U.S. Patent No. 6,259,442, later: (a) expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. § 1.321(a); (b) has all claims cancelled by a reexamination certificate; or (c) is otherwise terminated prior to the expiration of its statutory term as presently shortened by any terminal disclaimer, except for the separation of legal title stated above.

Declarant further declares that all statements made herein of Declarant's own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful, false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of

the United States Code, and that such willful, false statements may jeopardize the validity of the application or any patent issuing thereon.

DATED this 9 day of July, 2002.

WEBTV NETWORKS, INC.

By:


RICK D. NYDEGGER

Attorney for Applicant

Registration No. 28,651



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PATENT TRADEMARK OFFICE

RDN:dmh

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